

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of : January 12, 2009
T. F. Boehme, et al : Group Art No.: 2142
Serial No. 10/024,118 : Examiner: M.D.Meucci
Filed: December 19, 2001 : for IBM Corporation
Title: DISTRIBUTING INFORMATION 3173 Cedar Road
IN A MARKUP LANGUAGE Yorktown Hts, NY 10598
WITHIN A COMPUTER SYSTEM

Board of Patent Appeals and Interferences
Alexandria, VA 22313-1450

REPLY BRIEF

The remarks which follow are submitted in response to the present **Examiner's Answer** dated November 12, 2008, in the above-identified application. The arguments presented by Applicants (hereinafter "Appellants") in the Appeal Brief dated 30 April 2007, are hereby incorporated by reference.

Appellants will respond herein to the Examiner's citation of a new passage from the Khan patent in the anticipation rejection of Claims 1, 2 and 17 and will

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respond to certain arguments raised by the Examiner in Section 10.

ARGUMENTS

**New citation in anticipation rejection
of Claims 1, 2 and 17**

The Examiner has newly cited the passage from line 63 of column 14 through line 16 of column 15 in setting forth the rejection of Claims 1, 2 and 15. The Examiner cites the passage against the claim feature of "combining, at the portal node, the received user-requested content information using a generic portlet to produce combined user-request content information" (Claims 1 and 17) and against the claim feature of "wherein the combining step comprises combining the fragments of information into the combined user-requested content information" (Claim 2). The passage had previously been (and is still) cited against Claims 5 and 13.

The cited passage describes Fig. 10 of the Khan patent wherein "a plurality of programmable bookmarks... are displayed in the customized portal web page". Appellants have argued that the Khan patent teaches a bookmarking system and method for a user to choose to bookmark remote computer locations (e.g., content provider sites) and for a bookmark server to store information (i.e., URLs) providing access for the user to link to the bookmarked sites. As shown in Fig. 10 and described in the newly-cited passage, the portal web page may also display notifications, such as an advertisement for a sale, which have been pushed from the bookmarked sites.

Appellants reiterate that the Khan patent does not teach or suggest that a generic portlet is provided at the portal web page for combining received user-requested content information to produce combined user-requested content information. Appellants contend that display of multiple links, some of which include pushed information, does not comprise a generic portlet combining received user-requested content information created by multiple different portlets to produce combined user-requested content information.

Response to Examiner's section (10) Response to Argument

The Khan reference

The Examiner concludes on page 13 of the **Examiner's Answer** that "[i]t is clear...that the Khan reference teaches the generic portlets in that it has websites push updates and announcements to users interested in the website" citing Col. 11, lines 36-49. Appellants respectfully disagree with the Examiner's conclusion. The Khan online bookmark manager "transmits a request to the linked website requesting that updates to the linked website be sent to the online bookmark manager at the specific time interval selected by the user" (Col. 11, lines 61-64), "receives future updates from the linked website at each time interval" (Col. 11, lines 66-67) and "transmits the updates to the particular users" (Col. 12, lines 3-4). There is nothing in the cited passages from Khan that either teaches or suggests a generic portlet for combining user-requested content generated by multiple different portlets.

Appellants also note that the Examiner concludes that "the Khan reference teaches the generic portlets". Clearly if Khan is teaching multiple "generic portlets", Khan is not teaching a single generic portlet for combining content from specific portlets, as taught and claimed in the application under appeal.

The Examiner further quotes from Col. 1, lines 33-52 of Khan, which discloses prior art "custom internet portals." The cited passage states "MyYahoo allows him to configure Yahoo's news source to filter through news", which clearly does not anticipate a generic portlet for combining content from multiple specific portlets.

Next the Examiner argues that the Khan web server software is a content-specific application that runs on a portal. However, the Examiner has previously concluded that the Khan web server software is a generic portlet, which would not be content-specific. Clearly the Examiner cannot support both conclusions and has committed reversible error in rejecting the claims using contradictory interpretations of the Khan web server software.

Finally with respect to the Khan patent, the Examiner responds by quoting the newly-cited passage as teaching

the combining at a generic portlet. Appellants reiterate the contention that the Examiner cannot conclude that the Khan web server software is both a specific and a generic portlet. Moreover, the passage teaches concurrent display of links, some of which may have pushed content associated with the link. Concurrent display is not the same as a generic portlet combining specific user-requested content generated by specific portlets into combined user-requested content information. Appellants further reiterate that the Khan display of a plurality of links is not the same as or suggestive of sending combined user-requested content information to a user node.

The Dumbill reference

The Examiner concludes that the "the information chunks imported into Jetspeed are applications built upon the portlet program interface and are in fact carry (*sic*) the same definition as the appellant's own specification". Appellants disagree with the Examiner's conclusion. The Dumbill reference clearly states that "boxes of headlines on the front page are, in fact, the

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representations of so-called portlets--information chunks imported into Jetspeed" (page 2, lines 1-3). The fact that Dumbill states that "Jetspeed in fact defines a Portlet API..." does not support the Examiner's rejection. Defining a programming interface is not the same as or suggestive of providing an application...let alone of providing a generic portlet for combining content generated by specific portlets into combined user-requested content information.

The Examiner states that Dumbill teaches "Turbine provides an application framework that Jetspeed takes advantage of" and concludes that Dumbill is describing applications that can be utilized as portlets. Stating that Turbine provides an application framework is not teachings that Jetspeed has a generic portlet. How Jetspeed "takes advantage of" a framework is neither taught nor suggested. Further the fact that "Jetspeed handles external XML" does not teach or suggest a generic portlet. Finally, the Examiner quotes the Dumbill teaching that "the first of these two portlets represents an application". Stating that something represents an application is not equivalent to teaching that it is an application. Appellants believe that the Examiner is

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making conclusory statements that are not supported by the teachings of Dumbill.

CONCLUSION

For at least the reasons given above and in the Appeal Brief, it is asserted that appealed claims 1, 2, 5-10 and 13-18 are patentable over the cited references.

Respectfully submitted,
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